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Letter dated 25 May 2006 from the Secretary-General to the President of the General Assembly

The staff of the United Nations, and the uniformed peacekeepers who serve alongside them, commit to upholding the integrity of the United Nations and to treating with respect and dignity those whom they are mandated to serve. The vast majority of those working under the United Nations flag proudly live up to these standards, many of them in difficult and dangerous circumstances.

However, we are all keenly aware that among our ranks are individuals who have violated the trust that is placed in the United Nations by engaging in acts of sexual exploitation and abuse of the same people that the United Nations is mandated to protect. These appalling acts have brought shame upon the United Nations and upon those in its service. Worse still, these acts have caused great harm to those already suffering from poverty, conflict or desperate circumstances.

Drawing upon the work of my Adviser on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel, His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein, in April 2005 the Special Committee on Peacekeeping Operations recommended a number of measures to prevent and respond to these egregious acts, many of which measures have since been implemented or are under way. In endorsing these recommendations, the General Assembly requested me to provide the Committee with a comprehensive strategy for assistance to victims of sexual exploitation and abuse, including means for financial compensation. In the World Summit Outcome, Member States again encouraged me to submit proposals leading to a comprehensive approach to victims' assistance. I now submit to you a draft policy statement and draft comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel. I would be grateful if it could be made available to the members of the General Assembly.

This strategy represents more than 12 months of internal and external consultation with United Nations departments, agencies, funds and programmes, Member States, non-governmental organizations, and other specialists and interested parties, both at Headquarters and in the field. In order to be truly comprehensive,

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this strategy must be implemented by both the Organization and its Member States in response to acts of sexual exploitation and abuse by all categories of personnel serving the United Nations. Thus, this strategy requires a common approach by both the Organization and the Member States.

The strategy identifies the categories of persons who should receive assistance and support, describes what assistance and support should be provided and how this should be achieved. It notes that gender-based violence, which includes sexual exploitation and abuse, is endemic in the environments where the United Nations works and that the requisite resources for responding to it effectively are scarce and need to be augmented. The strategy therefore requires that assistance be provided in a manner that is appropriate to the community context, does not further isolate victims and improves the response capacity of service providers. It further proposes that, to facilitate access to such services, the United Nations engage implementing partners to provide victim advocate services.

The strategy breaks new ground. It has been widely discussed and draws on a broad variety of experience, research and expertise. Some of its elements were hotly debated among various United Nations entities before consensus was achieved. Earlier drafts also contained a proposal for comprehensive DNA sampling of all United Nations staff, in order to enable the Organization to help substantiate allegations of paternity or allegations of involvement in a sex crime, to ensure that the victims or children born as a result of acts of sexual exploitation and abuse could be appropriately assisted and their rights protected. This proposal built on recommendations contained in the report of my Special Adviser on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel (see A/59/710). The proposal raises new legal, ethical and human resource issues and concerns for the Organization which are under discussion within the Secretariat.

I believe this is a time for bold measures. We are at a critical juncture where more is expected of the Organization. As the United Nations, we are expected to set standards in meeting the needs of those whose rights have been violated and should lead the way forward. We are all aware of the imperative to eradicate sexual exploitation and abuse. We must also address the harm it causes, both to the victims and to the reputation of the Organization. A truly comprehensive approach will leave no uncertainty for the victims and will restore the reputation of the Organization as one that acts responsibly towards the communities it serves.

(*Signed*) Kofi **Annan**

Annex

Draft United Nations policy statement and draft United Nations comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel

Contents

		Page
A.	Draft United Nations policy statement on assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel	4
	1. Background	4
	2. Commitment to providing assistance and support	4
	3. Definitions	5
	4. Assistance and support	5
	5. Funding mechanisms	6
	6. Broader efforts	6
B.	Draft United Nations comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel	7
	1. Context	7
	2. Principles of assistance and support	11
	3. Financial implications and funding mechanisms	17
	4. Conclusion	20
C.	Recommendations	21

A. Draft United Nations policy statement on assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel

1. Background

1. In February 2005, the Executive Committees on Peace and Security and on Humanitarian Affairs established the Task Force on Protection from Sexual Exploitation and Abuse and mandated it to develop a policy on providing assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel.[1] In April 2005, the Special Committee on Peacekeeping Operations recommended that the Secretary-General develop "a comprehensive strategy for assistance to victims of sexual exploitation and abuse, including means for financial compensation" and further recommended that, until such a strategy had been implemented, "missions should provide emergency assistance to [such] victims ... within current mission budgets".[2] This recommendation was endorsed by the General Assembly in June 2005.[3] In the 2005 World Summit Outcome, Member States again encouraged the Secretary-General to "submit proposals to the General Assembly leading to a comprehensive approach to victims' assistance by 31 December 2005".[4]

2. This Policy Statement should be read in conjunction with the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff or Related Personnel (the "Comprehensive Strategy").

2. Commitment to providing assistance and support

3. The United Nations has declared its determination to prevent and respond to acts of sexual exploitation and abuse by its staff and related personnel. A key element of this effort is to provide assistance and support to victims of such acts.

4. At present, there is no clear system in place for the provision of assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel. In addition to the negative consequences for the victims, the absence of an established system has serious repercussions on the reputation, credibility and effectiveness of the Organization. It is imperative that the Organization respond quickly and effectively when sexual exploitation and abuse occur. The United Nations is aware that, owing to underreporting, the registered number of allegations of sexual exploitation and abuse by United Nations staff or related personnel does not reflect the true extent of the problem.[5] It is likely that there are victims of sexual exploitation and abuse by United Nations staff or related personnel in almost all countries where the United Nations has a presence.

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[1] For the purposes of this Policy Statement, "United Nations staff or related personnel" shall include United Nations staff members, consultants, United Nations Volunteers, civilian police, military observers, staff officers and military personnel of peacekeeping contingents.

[2] A/59/19/Add.1 of 11 April 2005, paras. 34 and 35.

[3] Resolution 59/300 of 22 June 2005, para. 2.

[4] Resolution 60/1 of 16 September 2005, para. 165.

[5] Report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse of 15 April 2005 (A/59/782), para. 11. Allegations of sexual exploitation and abuse by United Nations staff or related personnel have doubled since 2003.

5. The United Nations, therefore, will adopt a system-wide comprehensive approach to victim assistance that will be implemented in a consistent and reliable manner in each country where the United Nations has a presence. A comprehensive approach to victim assistance requires that the United Nations respond both to victims of sexual exploitation and abuse committed by United Nations staff and to victims of sexual exploitation and abuse committed by United Nations related personnel. Best practice emphasizes the importance of adopting a victim-oriented perspective.

6. The United Nations commits to providing assistance and support to three different categories of persons: (a) "complainants"; (b) "victims"; and (c) children born as a result of sexual exploitation and abuse by United Nations staff or related personnel. This commitment, however, in no way diminishes or replaces the responsibility of the individual perpetrators of acts of sexual exploitation and abuse.

3. Definitions

7. For the purposes of this Policy Statement: (a) "complainants" are persons who allege that they have been, or are alleged to have been, sexually exploited or abused by United Nations staff or related personnel;[6] (b) "victims" are persons whose allegations that they have been sexually exploited or abused by United Nations staff or related personnel have been established through a United Nations administrative process or through an administrative, civil or criminal process of a Member State;[7] and (c) "children fathered by United Nations staff or related personnel" are children who are born as a result of acts of sexual exploitation and abuse by United Nations staff or related personnel. In effect, the terms "complainants" and "victims" relate to different stages of the process. The term "complainant" applies to anyone who makes a claim and it continues to apply until the claim has been established, i.e. during the period after a claim has been made and before it has been fully processed. The term "victim" applies once a claim has been established.

4. Assistance and support

8. The nature of the assistance and support to be provided depends on the category of person receiving them, and ranges from basic emergency assistance, including medical and psychosocial support, to more comprehensive assistance, such as educational opportunities or skills training and, in certain cases, financial support. In cases where the alleged act of sexual exploitation and abuse also constitutes a crime, the United Nations will also assist alleged victims to pursue the case with the national authorities, should they so wish. Where there is credible evidence that a child has been fathered as a result of alleged sexual exploitation or abuse by a United Nations staff member or related personnel, the United Nations will assist the child, or his/her mother or guardian, in pursuing a claim to establish

[6] Many complaints regarding sexual exploitation and abuse are made by persons who have witnessed or heard about such exploitation and abuse and do not claim to have been exploited or abused themselves. However, for the purpose of this Policy Statement, the term "complainants" will be used to cover persons who claim to have been, or are alleged to have been, sexually exploited or abused by United Nations staff or related personnel but whose complaint has not yet been fully processed, whether the claim is formally made by themselves or by a third person.

[7] The term "victim" is used throughout this Policy Statement to emphasize that harm has been perpetrated against an individual. Many prefer to use the term "survivor" to emphasize the resilience of persons who have been sexually exploited or abused.

paternity or obtain child support, as outlined in the Comprehensive Strategy. The Organization will request the assistance of Member States in facilitating the pursuit of such claims.

9. To ensure the most effective response to sexual exploitation and abuse by United Nations staff or related personnel, assistance and support will be provided through community mechanisms that are appropriate to the given context so as not to isolate complainants, victims or children fathered by United Nations staff or related personnel, or unnecessarily exclude or discriminate against others who have suffered from gender-based violence, including sexual exploitation and abuse, not perpetrated by United Nations staff or related personnel. Where appropriate services do not exist locally, cannot be easily accessed or have insufficient capacity, the United Nations will provide assistance for their creation and functioning. To facilitate access to such services, the United Nations will engage implementing partners to provide victim advocate services, as elaborated in the Comprehensive Strategy.

5. Funding mechanisms

10. The United Nations will establish a common funding mechanism to ensure the ready availability of funds so that assistance and support can be provided in a consistent and reliable manner. As the individual perpetrator bears the responsibility for acts of sexual exploitation and abuse, the United Nations, consistent with its Staff Regulations and Rules, will also assist in recovering monies from perpetrators for payment towards assistance and support.

6. Broader efforts

11. The above measures will form an integral part of United Nations broader efforts, as required by the General Assembly,[8] to prevent and respond to sexual exploitation and abuse by United Nations staff or related personnel. These efforts also include institutionalizing measures to ensure compliance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and abuse,[9] strengthening the organizational capacity to undertake efficient and effective investigations, promptly initiating disciplinary proceedings when allegations have been substantiated and undertaking concerted awareness-raising and training initiatives within the Organization and within host communities.

12. Member States are requested to be actively involved in supporting this policy.

[8] See resolution 59/300 of 22 June 2005.

[9] ST/SGB/2003/13 of 9 October 2003.

B. Draft United Nations comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff or related personnel

1. Context

Background

1. The United Nations has declared a zero tolerance policy for sexual exploitation and abuse of any kind[1] committed by its staff and related personnel[2] and a determination to prevent it from occurring. To fulfil this commitment, it is imperative that, when such exploitation and abuse occurs, the United Nations respond quickly and effectively, including by investigating allegations, instituting disciplinary measures and providing assistance and support to the victims of these abuses.[3]

2. This Comprehensive Strategy should be read in conjunction with the Policy Statement on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff or Related Personnel (the "Policy Statement").

The scope of the strategy

3. This Comprehensive Strategy outlines a response to the needs of victims of sexual exploitation and abuse committed by United Nations staff or related personnel.[4] Such a strategy requires a common approach whereby the United Nations responds to both victims of sexual exploitation and abuse committed by United Nations staff and to victims of sexual exploitation and abuse committed by United Nations related personnel. Best practice emphasizes the importance of adopting a victim-oriented perspective.

4. This Strategy outlines the United Nations commitment to ensuring that victims of sexual exploitation and abuse by United Nations staff or related personnel receive appropriate care and support, which is a fundamental element of the broader United Nations effort to prevent and respond to sexual exploitation and abuse. Clear and reliable complaint mechanisms, along with the delivery of appropriate support to victims, will result in improved reporting and enable victims to participate more actively in the investigative process. This will enhance United Nations ability to

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[1] Letter dated 9 February 2005 from the Secretary-General addressed to the President of the Security Council.

[2] For the purposes of this Strategy, "United Nations staff or related personnel" shall include United Nations staff members, consultants, United Nations Volunteers, civilian police, military observers, staff officers, and military personnel of peacekeeping contingents.

[3] The term "sexual exploitation" is defined as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another". The term "sexual abuse" is defined as "the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions". (Secretary-General's Bulletin of 9 October 2003 on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), sect. 2)

[4] Although men, women, boys and girls may all be victims of sexual exploitation and abuse, because of their subordinate status, women and girls make up the majority of victims. Although the vast majority of perpetrators of acts of sexual exploitation and abuse are men, it is acknowledged that both men and women may commit such acts.

hold perpetrators accountable and will inform the design and implementation of better prevention measures. It will also enhance the standing of the Organization as one that acts responsibly towards the communities it serves.

5. Other key elements of United Nations efforts to prevent sexual exploitation and abuse, such as institutionalizing measures to ensure compliance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and abuse,[5] strengthening organizational capacity to undertake efficient and effective investigations (with due respect for the rights of the accused), promptly initiating disciplinary proceedings when allegations have been established and undertaking concerted awareness-raising and training initiatives within host communities and the Organization itself, are beyond the scope of this Strategy.

6. The Policy Statement and this Strategy in no way diminish or replace the individual responsibility for acts of sexual exploitation and abuse which rests with the perpetrators. The United Nations bears no legal liability for acts of sexual exploitation and abuse committed by United Nations staff or related personnel. This Strategy highlights some mechanisms that can be used to ensure that United Nations staff or related personnel who commit such acts are held accountable for these acts and their consequences, but does not offer an exhaustive presentation of how perpetrators might be held to account. Such a presentation would depend on a range of administrative, judicial and disciplinary procedures and is beyond the scope of this Strategy. This Strategy focuses on how the United Nations will assist and support victims of sexual exploitation and abuse and, in some instances, facilitate the ability of victims to pursue administrative or judicial actions against individual perpetrators.

7. Member States are requested to endorse the Policy Statement and actively support its implementation through this Strategy.[6] In particular, as the Secretary-General has no direct authority with respect to members of national contingents,[7] troop-contributing countries are asked to adopt measures, similar to those outlined in this Strategy, to ensure that the response to victims of sexual exploitation and abuse by United Nations staff or related personnel is truly comprehensive.

The problem

8. The United Nations is aware that, owing to underreporting, the registered number of allegations of sexual exploitation and abuse by United Nations staff and related personnel does not reflect the true extent of the problem.[8] It is likely that there are victims of such acts in almost all countries where the United Nations has a

[5] ST/SGB/2003/13 of 9 October 2003.

[6] In its Presidential Statement of 31 May 2005 (S/PRST/2005/21), the Security Council recognized "the shared responsibility of the Secretary-General and all Member States to take every measure within their purview to prevent sexual exploitation and abuse by all categories of personnel in United Nations peacekeeping missions, [and] to enforce United Nations standards of conduct in that regard".

[7] See article X of the Staff Regulations for cases within the authority of the Secretary-General. Criminal and disciplinary authority for national contingents rests with the Member State concerned. The rules and privileges and immunities applying to the various categories of United Nations personnel are exceedingly complex (see the annex to A/59/710 for a full discussion).

[8] Report of the Secretary-General, "*Special measures for protection from sexual exploitation and sexual abuse*" of 15 April 2005 (A/59/782), para. 11. Allegations of sexual exploitation and abuse by United Nations staff and related personnel have doubled since 2003.

presence. This persistent underreporting is partly due to doubts about the confidentiality of the process and a lack of faith in the investigative and disciplinary systems on the part of both victims and United Nations staff and related personnel, as well as the shame and stigma attached to being a victim of sexual exploitation and abuse, and the dearth of services available to such victims. At present, there is no system-wide policy in place for the provision of assistance and support to them. Even when allegations are investigated and established and disciplinary measures imposed, steps are very rarely taken to address the harm caused to the victim. In addition to the serious consequences for the victim, the absence of an established system for assisting victims has negative repercussions on the reputation, credibility and effectiveness of the Organization.

9. Sexual exploitation and abuse affect the physical and psychosocial well-being of victims. HIV/AIDS and other sexually transmitted infections, and unwanted pregnancies are real dangers. Sexual exploitation and abuse can also be an emotionally traumatic experience. Victims are often stigmatized or ostracized by their communities and placed in situations of even greater vulnerability. Their ability to continue their schooling or earn a living may be affected and the economic consequences can expose them to further abuse. Victims are often at increased risk of harassment and violence as a result of having filed a complaint. Even when support arrangements are in place, many victims may still face obstacles in accessing services, including their own sense of shame or fear of consequences. Children may require particular support in coming forward and accessing care. Timely, accessible and confidential assistance and support are essential to protecting the safety and welfare of victims, reducing further trauma, minimizing harmful consequences and promoting recovery.

Organizational accountability and the imperative for responding

10. The Charter of the United Nations reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women".[9] The Charter also emphasizes that "the paramount consideration in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity".[10] The United Nations and its staff therefore have a particular duty of care to the people they serve.

11. In his Bulletin on special measures for protection from sexual exploitation and sexual abuse,[11] the Secretary-General has set out a non-exhaustive list of standards of conduct and behaviour[12] and tasked all staff with creating and maintaining an environment that prevents sexual exploitation and abuse.[13] In that Bulletin the Secretary-General places a particular responsibility on managers to create such an environment and take appropriate action when abuses have occurred.[14] All

[9] Charter of the United Nations, Preamble.

[10] Charter of the United Nations, Art. 101, para. 3.

[11] ST/SGB/2003/13.

[12] Ibid., section 3. Note that acts of sexual exploitation and abuse have always been unacceptable behaviour and prohibited conduct for United Nations staff (see ST/SGB/2003/13, section 3.1, Staff Regulation 1.2 (a) and Staff Rule 101.2 (d)).

[13] Ibid., sect. 3.2 (f).

[14] Ibid., sects. 4 and 3.2 (f).

categories of peacekeeping personnel must also adhere to these standards.[15] The United Nations must also ensure that its partners provide a written undertaking that they accept these standards.[16]

12. The Secretary-General's comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations states that "it is morally incumbent on the Organization to provide some emergency and practical assistance to victims who make allegations against United Nations peacekeeping personnel".[17]

13. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power[18] (hereinafter the "Declaration of Basic Principles") outlines important measures that must be adopted by Member States in responding to victims of crime and abuse of power. Its principles have also informed the Policy Statement and this strategy. The Declaration of Basic Principles acknowledges that collective efforts and adequate resources are needed, at all levels, to ensure that appropriate measures are taken to develop ways and means of providing recourse for these victims.

Definitions

14. As defined in the Policy Statement, this Comprehensive Strategy makes a distinction between three categories of persons to whom the United Nations is committed to providing assistance and support: (a) "complainants", who are persons who allege that they have been, or are alleged to have been, sexually exploited or abused by United Nations staff or related personnel;[19] (b) "victims", who are persons whose allegations that they have been sexually exploited or abused by United Nations staff or related personnel have been established through a United Nations administrative process or through an administrative, civil or criminal process of a Member State;[20] and (c) children born as a result of sexual exploitation and abuse by United Nations staff or related personnel (also referred to in this Strategy as "children fathered by United Nations staff or related personnel").[21] In

[15] Report of the Special Committee on Peacekeeping Operations and its Working Group on the 2005 resumed session (A/59/19/Add.1), recommendation set forth in paragraph 8, endorsed by the General Assembly in resolution 59/300 of 22 June 2005, entitled "*Comprehensive review of a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*".

[16] SG/SGB/2003/13, sect. 6.

[17] A/59/710 of 24 March 2005, para. 52.

[18] General Assembly resolution 40/34 of 29 November 1985, annex.

[19] Many complaints regarding sexual exploitation and abuse are made by persons who have witnessed or heard about such exploitation and abuse and do not claim to have been exploited or abused themselves. However, for the purpose of this paper, the term "complainants" will be used to cover persons who claim to have been, or are alleged to have been, sexually exploited or abused by United Nations staff or related personnel but whose complaint has not yet been fully processed, whether the claim is formally made by themselves or a third person. (Note: the Declaration of Basic Principles does not refer to a separate category of persons as "complainants" but only to "victims". The distinction is made in this paper to highlight different stages of the process.)

[20] The term "victim" is being used throughout this paper to emphasize that harm has been perpetrated against an individual. Many prefer to use the term "survivor" to emphasize the resilience of persons who have been sexually exploited or abused.

[21] This definition is preferred as it highlights parental responsibility in line with the Convention on the Rights of the Child (General Assembly resolution 44/25 of 20 November 1989, annex).

effect, the terms "complainants" and "victims" relate to different stages of the process. The term "complainant" applies to anyone who makes a claim, or on whose behalf a claim has been made, and continues to apply until the claim has been established, i.e. during the period after a claim has been made and before it has been fully processed. In some cases, a complainant may elect not to pursue the claim but should still be supported. The term "victim" applies once a claim has been established.

2. Principles of assistance and support

Who should be assisted and supported

15. The following three categories of persons should receive specific assistance and support:

(a) Complainants;

(b) Victims;

(c) Children born as a result of sexual exploitation and abuse by United Nations staff or related personnel.

16. Although their allegations have not yet been established, the presumption must be that complainants should receive basic treatment and care. A complainant does not need to identify the perpetrator or prove that s/he was sexually exploited or abused by a United Nations staff member or related personnel in order to be entitled to assistance and support. Making the complaint is sufficient. Nor does the complainant need to agree to cooperate with investigative processes in order to receive assistance. Of necessity, medical assistance will often need to be provided before a complaint can be fully processed. In many instances, it will be imperative that the health response to cases of sexual assault be provided as soon as possible and ideally within 72 hours of the assault, for example, to enable persons who have been exposed to risk of HIV infection to receive antiretroviral therapy. Complainants will be made aware that provision of assistance by the Organization is not an acknowledgement of the validity of the claim or an indication of acceptance of responsibility by the alleged perpetrator.[22]

What assistance and support should be provided

17. Complainants, victims and children fathered by United Nations staff or related personnel should be treated with humanity and respect for their dignity and human rights. The United Nations will consider appropriate measures for their safety,

[22] This low threshold for receiving basic services may result in some persons being given assistance to which they are not technically entitled. As a result, a certain number of individuals in vulnerable circumstances may obtain basic health care for sexual exploitation and abuse not perpetrated by United Nations staff and related personnel that they might not otherwise have received. This potential outcome is acknowledged but in no way outweighs the need for the Organization to respond to victims of sexual exploitation and abuse at the hands of its own staff and related personnel.

physical and psychological well-being and privacy[23] and ensure that assistance and support are provided in a manner that does not increase their trauma or cause stigmatization. The United Nations will also provide adequate assistance for witness protection. Depending on whether the recipient is a complainant, a victim or a child fathered by a United Nations staff member or related personnel, different types of assistance and support will be provided.

For complainants

18. Complainants should receive basic assistance that includes, as a minimum, where needed: medical care,[24] psychosocial support, access to legal services (where the alleged act constitutes a crime) and immediate material care, such as food, clothing and emergency shelter. When the alleged act constitutes a crime, complainants will be asked if they wish to bring their complaint to the attention of the police or other national authorities and if they wish to be assisted in doing so.

19. Complainants will be informed of their rights under this Strategy and related policies. The complainant will also be clearly advised of the follow-up process and support available to the complainant for any additional steps that s/he might take as part of the process, such as providing additional statements when requested. Once the claim has been processed or investigated, the Organization will inform the complainant of the outcome and any action that has been or will be taken as a result of the claim.

For victims

20. Victims should receive additional assistance and support, depending on their individual needs and the particular circumstances of the case. This additional assistance and support may comprise any or all of the following: assistance in seeking educational opportunities; assistance in accessing expanded psychosocial services, including economic reintegration and income-generating activities, job training or skill building; access to legal services; access to judicial and civil administrative processes to obtain redress; and financial support.

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[23] See paragraph 10 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147 of 16 December 2005, annex). Regarding safety, see also Inter-Agency Standing Committee "Guidelines for Gender-based Violence Interventions in Humanitarian Settings" (2005), Action sheet 3.2. "Provide security in accordance with needs".

[24] Medical care includes, but is not limited to, reproductive health care. At a minimum, the United Nations Population Fund (UNFPA) post-rape health kit should be available and, where appropriate, provided, in accordance with the World Health Organization (WHO), the International Committee of the Red Cross (ICRC), UNFPA and the Office of the United Nations High Commissioner for Refugees (UNHCR) guidelines, Clinical Management of Survivors of Rape: Developing Protocols for Use with Refugees and Internally Displaced Persons (revised 2005). See also the Inter-Agency Standing Committee Guidelines for Gender-Based Violence Interventions in Humanitarian Settings (2005). With the consent of the complainant, forensic evidence should be collected, where possible, as part of any medical examination. Procedures should also be developed for sharing, with the consent of the complainant, any such evidence gathered as part of the United Nations administrative process with the appropriate national authorities conducting any criminal proceedings related to the same alleged acts of sexual exploitation and abuse.

21. Member States have committed to the principle that victims of crime should be enabled to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible.[25] In the light of this norm, the United Nations will assist victims in pursuing cases in national courts or bodies, should they so wish, through the provision of information, facilitating access to legal services or, at its discretion, the financing of legal counsel.[26] This includes support for cases that are being pursued in the alleged perpetrator's own country. Victims will also be supported in pursuing other forms of redress[27] from the individual perpetrator of the sexual exploitation or abuse, in accordance with established rules and procedures. However, attempts by United Nations staff or related personnel to mediate or "settle" cases that have possible criminal implications, in either the victim's or the perpetrator's country of nationality, should be prohibited.

22. Financial support will be granted only in exceptional cases, in accordance with clear guidelines as to the scale of support and the circumstances for which it is to be provided.[28] These guidelines must allow for adjustment, in consultation with Headquarters, according to the community context.

23. As with complainants, the United Nations will continue to take all measures possible to ensure the safety of the victim and to ensure that s/he does not encounter intimidation or further violence as a result of having made a complaint or of participating in the system's investigative processes, or because of the nature of the assistance or support received.

For children fathered as a result of sexual exploitation and abuse

24. The Convention on the Rights of the Child states that all children have the right to know and be cared for by their parents.[29] It calls on State parties to ensure implementation of this right and to use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of a child.[30] State parties are also required to take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State party and from abroad.[31] In the light of these norms, the United Nations will work with Member States to help promote the application of the Convention and assist children fathered by United Nations staff or related personnel through an act of sexual exploitation or abuse to access appropriate assistance and support, including United Nations administrative processes.

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[25] Declaration of Basic Principles, para. 5.

[26] The Organization will not conduct cases on behalf of the victim but will help victims access national processes. The financing of legal counsel is at the discretion of the Organization.

[27] For example, the Declaration of Basic Principles provides that informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims (para. 7).

[28] Determinations will be made on a case-by-case basis, in accordance with the guidelines. A possible example might be in extreme cases of sustained exploitation and abuse, bearing in mind the level of harm done to the victim.

[29] Convention on the Rights of the Child (see note 21 above), art. 7.

[30] Ibid., arts. 7 and 18.

[31] Ibid., art. 27.

25. All children born as a result of sexual exploitation and abuse may be vulnerable to physical, psychological and economic harm. Therefore, children fathered by United Nations staff or related personnel, like their mothers, must receive appropriate assistance and support. The United Nations will facilitate the pursuit of paternity claims and ensure that the child receives assistance and support to address any negative medical,[32] psychological, economic and social consequences related to having been born as a result of sexual exploitation and abuse. Assistance and support must be provided with the best interests of the child held paramount[33] and may be sought directly by the child or by the child's mother or guardian on his/her behalf.

26. When there is a credible allegation of paternity, the United Nations will assist children allegedly fathered by United Nations staff or related personnel, or their mothers or guardians, to access any legal or administrative processes required to establish paternity or obtain child support. The United Nations will also assist in obtaining information to be used in such cases. The Special Adviser to the Secretary-General on Sexual Exploitation and Abuse has proposed that where a victim is able to credibly identify a United Nations staff member or related personnel as the alleged father of her child, she should be encouraged to seek a court order for child support where there is a functioning legal system. For cases where there is no functioning legal system, the United Nations could offer to obtain a DNA test of the child. The staff member would then have either to acknowledge the claim or submit to a DNA test to prove that the allegation was ill-founded.[34] Procedures would be established to allow for the United Nations to provide information regarding possible paternity to the relevant national authorities considering any paternity or child support claim.

27. If paternity is established but the staff member does not comply with a court order for child support, the Secretary-General may authorize deductions from the staff member's emoluments.[35] As sexual exploitation and abuse are grounds for summary dismissal, it is unlikely that the staff member will remain employed and continue to draw a salary. When the staff member is separated from service, a calculated lump sum amount should be deducted from the staff member's final emoluments and paid to the child or his/her mother or guardian. In exceptional cases, the United Nations may also provide temporary emergency care pending disbursement of entitlements. As noted earlier, the role of the United Nations in facilitating access to child support in no way diminishes or replaces the responsibility of the individual perpetrators of sexual exploitation or abuse to provide support for the children fathered by them.

28. Where the alleged father is a member of United Nations related personnel, the United Nations will assist the child or his/her mother or guardian in making and forwarding a claim to the relevant authorities of the Member State for

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[32] For example, HIV/AIDS-related care and treatment.

[33] In accordance with the Convention on the Rights of the Child and other relevant legal instruments.

[34] A/59/710, para. 76.

[35] See Staff Rule 103.18 (b) (iii). See also Secretary-General's Bulletin ST/SGB/1999/4 of 20 May 1999 on family and child support obligations of staff members and Administrative Instruction ST/AI/2000/12 of 25 October 2000 on private legal obligations of staff members, setting out the procedures to be followed in cases of non-compliance with family support orders.

consideration.[36] Member States are encouraged to facilitate the pursuit of claims to establish paternity or obtain child support.

How assistance and support should be provided

Implementation through community mechanisms

29. Gender-based violence, which includes sexual exploitation and abuse, is endemic in the environments in which the United Nations works. Therefore assistance and support should be provided in a manner that does not isolate complainants, victims and children fathered by United Nations staff or related personnel or unnecessarily exclude or discriminate against other victims of gender-based violence.

30. It is necessary to provide assistance and support to complainants, victims and children fathered by United Nations staff or related personnel that take into account the existing social, political and economic circumstances. Therefore, to the extent possible, the United Nations will provide such assistance and support through locally based organizations already providing similar services to other victims of gender-based violence. The United Nations will engage the most appropriate implementing partners in the given context and facilitate access to relevant service providers.

31. In virtually all locations, basic health, psychosocial and legal services are inadequate and fail to meet the needs of victims of gender-based violence, including sexual exploitation and abuse. Therefore, the United Nations should commit to increasing its support more broadly for these service providers. As a minimum, the United Nations will ensure, through the provision of additional resources where necessary, that these institutions and organizations are not negatively affected in their ability to serve other victims of gender-based violence as a result of their providing services to victims of sexual exploitation and abuse perpetrated by United Nations staff or related personnel. Enhancing the capacity of national authorities, institutions and organizations to deliver those services for all victims will have an important impact on the implementation of this strategy and other prevention measures.

32. If appropriate service providers do not exist locally, cannot be easily accessed or have insufficient capacity, the United Nations, either directly or with its partners, will help ensure their creation and functioning. Services provided by these organizations should also be accessible to other victims of gender-based violence not perpetrated by United Nations staff or related personnel. The United Nations will ensure that it does not create duplicative structures but works with and builds on existing programmes and their local networks.

33. United Nations agencies and partners who are mandated or have competence to work in these areas should lend their expertise, guidance and other available resources to ensure that established mechanisms provide the maximum benefit to the population.

[36] See proposal in A/59/710, para. 77.

34. The United Nations will also work with community-based organizations to raise awareness of the rights and needs of complainants, victims and children fathered by United Nations staff or related personnel, how to report complaints and where to receive assistance and support. It will also work with community-based organizations to develop community-based protections and safety and support measures to reduce the stigmatization and discrimination experienced by many victims of sexual exploitation and abuse and the children born as a result.

Implementation through victim advocates

35. To facilitate and ensure the delivery of assistance and support to complainants, victims and children fathered by United Nations staff or related personnel, the United Nations will implement this strategy through a system of victim advocates.[37] Victim advocates will inform complainants, victims and children fathered by United Nations staff or related personnel of their rights and entitlements and refer them and, when necessary or requested, accompany them, to appropriate services. Advocates may also act as the liaison for complainants, victims and children fathered by United Nations staff or related personnel with the Organization, explaining the process and any necessary follow-up steps, as well as possible outcomes. Advocates will also support and, when necessary or requested, accompany complainants, victims and children fathered by United Nations staff or related personnel in administrative, disciplinary, investigative and related processes. Accordingly, advocates will not themselves participate in processing or investigating claims but will help relay feedback to complainants, victims and children fathered by United Nations staff or related personnel on the outcome of their claims. Advocates will also be responsible for some degree of follow-up and monitoring after the United Nations administrative processes have been finalized. In general, victim advocate services will best be provided through an implementing partner, rather than the United Nations providing such assistance and support directly.

36. In each country where the United Nations has a presence, the Resident Coordinator/Humanitarian Coordinator will ensure that an implementing partner is identified to undertake victim advocate services. In some cases, the most appropriate implementing partner will be a local women's organization; in others, an international organization may be best placed to take on the role. Through that implementing partner, or through the United Nations country team, the Resident Coordinator/Humanitarian Coordinator will also identify the appropriate institutions to provide the services outlined in this strategy, such as hospitals, clinics or counselling and legal services, and ensure that arrangements are made in advance with these institutions, so that the process of referring complainants, victims and children fathered by United Nations staff or related personnel to them is simple, safe and respects the need for confidentiality, dignity and non-discrimination.[38]

37. In order to limit the number of persons involved in each case and help preserve confidentiality, the implementing partner will assign one advocate to each case, who will support the individual throughout the process. The victim advocate system is

[37] This model is used in domestic violence cases in many countries, for example in administrative tribunals of universities for sexual violence cases.

[38] Selected implementing partners will be subject to normal programming evaluations as to expertise and capacity, in this case including expertise in dealing with child complainants and victims, and regular reporting and monitoring requirements.

designed solely with the best interests of complainants, victims and children fathered by United Nations staff or related personnel in mind. It should not act as an obstacle to their being referred directly to service providers, if this is more appropriate in the circumstances of a given case or is preferred by the individual concerned.

38. The United Nations will provide, either directly or through its partners, the necessary financial and technical support to ensure that the selected implementing partner has trained advocates on hand and the capacity to provide the requested services. A system for providing assistance and support to complainants, victims and children fathered by United Nations staff or related personnel should be established as soon as possible after the United Nations establishes its presence in a given country.

3. Financial implications and funding mechanisms

39. To assist and support effectively complainants, victims and children fathered by United Nations staff or related personnel, the United Nations will need to commit financial and human resources. This requires a funding mechanism that can be utilized by the entire system but is sufficiently flexible to adapt to country variations in implementing the strategy, as assistance and support must be appropriate to the local context and will be dependent on the resources available to administer them.

40. In summary, to ensure assistance and support for complainants, victims and children fathered by United Nations staff or related personnel, the United Nations, working with its partners, needs to provide financial and technical support, as appropriate, for:

(a) The provision of assistance and support, including medical, psychosocial and legal services, immediate basic material care and emergency shelter;

(b) The provision of assistance to victims, such as educational opportunities and expanded psychosocial services;

(c) The provision of financial support;

(d) Institutions and organizations requested to provide relevant services;

(e) Raising awareness with local communities;

(f) Training victim advocates;

(g) DNA testing of children;

(h) Facilitating access to administrative and judicial processes or other forms of redress.

The budget for these programmes will vary from region to region.

41. The United Nations needs to establish a funding mechanism that allows for receipt of funds from a number of sources and rapid disbursement based on clear guidelines and criteria as to the organizations, programmes and services that may be funded, in accordance with this Strategy. It is also imperative to ensure that funds are always readily available so that assistance and support can be provided in a consistent and reliable manner.

42. There are a number of options for achieving this. One is the establishment of a Headquarters-based trust fund with simplified procedures, as proposed by the Secretary-General's Special Adviser on Sexual Exploitation and Abuse.[39] The fund would be managed by a single department or agency, such as the United Nations Children's Fund or the United Nations Development Programme, on behalf of the system. A second option is that, in each country where the United Nations has a presence, agreed contributions from each of the United Nations organizations present are pooled in a common fund, for which the Resident Coordinator/Humanitarian Coordinator would have overall responsibility. For peacekeeping contexts, Member States have already endorsed the recommendation that emergency assistance to victims be provided within current mission budgets.[40] A third option is to extend this concept and ensure that, where a peacekeeping mission has been established, monies are allocated in the mission budget for the provision of assistance and support to victims in accordance with this Strategy on behalf of the entire system. This task would then be handed over to the Resident Coordinator/Humanitarian Coordinator, or an appropriate agency, when the mission leaves, and agreed new funding arrangements put in place. The mission would draw on United Nations country team expertise for identifying service providers and providing technical support, to ensure an equitable sharing of the burden.

43. Given the nature of the problem, the current underreporting and the United Nations overall priority of eliminating sexual exploitation and abuse, it is difficult to estimate the amount of funding that will actually be required to assist and support complainants, victims and children fathered by United Nations staff or related personnel, and therefore to determine the most appropriate funding mechanism. However, estimates from the field based on similar services indicate that the costs of implementing this Strategy would be relatively low compared to overall mission and programming budgets.[41] Furthermore, as the problem is eradicated, the number of complainants, victims and children fathered by United Nations staff or related personnel will diminish. Nonetheless, it is anticipated that as reporting mechanisms are established and strengthened, there will be an initial increase in the number of allegations and cases of sexual exploitation and abuse by United Nations staff or related personnel. The number of allegations and cases will also vary from country to country, meaning that in some instances implementing partners will need to be formally engaged to provide relevant services, whereas in others, it may be possible to provide assistance and support from within existing programme budgets with little additional cost.[42]

44. Departments, agencies, funds and programmes (hereinafter collectively referred to as "agencies") would make an annual contribution to the agreed funding mechanism, bearing in mind the size of each agency concerned and its presence in

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[39] See A/59/710, para. 56.

[40] See A/59/19/Add.1, para. 35. The recommendation was endorsed by the General Assembly in resolution 59/300 of 22 June 2005.

[41] For example, the Victims Advocacy and Assistance Unit established by the United Nations Mission in Kosovo in the Department of Justice spent approximately $16,500, over a 10-month period, providing medical and psychosocial assistance, emergency shelter and legal representation to 638 victims of gender-based violence, including sexual exploitation and abuse.

[42] For example, if there is only a very small number of allegations or cases in a given country, the Resident Coordinator/Humanitarian Coordinator may be able to identify a particular agency that is able to bear the related costs from within existing programme budgets, rather than resorting to a pooled mechanism.

the field. Adjustments would be made to the nominated annual contribution in the light of how funds were actually disbursed in the previous year. This would not be a strict pro rata system based on the agencies with which perpetrators are associated, as very often assistance and support will need to be provided when the identity of the United Nations staff member or related personnel who allegedly committed the act of sexual exploitation or abuse is unknown. Furthermore, the problem should not be viewed as the problem of one agency more than another but as a global problem which all members of the Organization must address. Therefore, a mechanism for apportionment should be developed so that the contribution of each agency seems fair and appropriate in the circumstances. However, an agency would make an additional specified contribution to the funding mechanism each time one of its staff members was found to have perpetrated an act of sexual exploitation and abuse. Agreeing to payment of specific funds would demonstrate a clear commitment to responding to allegations of sexual exploitation and abuse by United Nations staff or related personnel and would encourage greater efforts to prevent such acts from reoccurring.

45. Troop-and police-contributing countries should be encouraged to make similar contributions to the funding mechanism, namely, both a general contribution and a specified contribution when an allegation of sexual exploitation and abuse by an individual member of the uniformed personnel is established.

46. Because of the difficulties in determining the amount of funding required and the most appropriate funding mechanism, the United Nations will adopt a localized funding mechanism based on a lump-sum amount for a 12-month trial period. For peacekeeping contexts, Member States will be asked to approve an allocation in the peacekeeping mission budget not exceeding $20,000 for the provision of assistance and support to complainants, victims and children fathered by United Nations staff or related personnel in accordance with this Strategy. For countries where there is no peacekeeping operation, the United Nations country team will similarly agree, under the leadership of the Resident Coordinator/Humanitarian Coordinator, to pool an amount not exceeding $20,000 for the provision of assistance and support to complainants, victims and children fathered by United Nations staff or related personnel in accordance with this Strategy. The funding mechanism and amounts required will be reviewed at the end of the 12-month trial period. Where there are delays in establishing an appropriate mechanism, the various United Nations entities should draw on existing coordination arrangements to ensure implementation of this Strategy.

47. As noted earlier, the individual perpetrator bears the responsibility for acts of sexual exploitation and abuse and therefore must bear the related financial responsibilities. The United Nations Staff Regulations and Rules permit the imposition of fines (either alone or in conjunction with other disciplinary measures) on staff members found to have engaged in misconduct. Such disciplinary fines could be used to provide assistance and support to victims.[43] Alternatively, the amounts of such fines could be deducted from the staff member's salary and/or final emoluments if the staff member has already been dismissed.[44] Depending on the

[43] See the proposal in A/59/710, para. 73.

[44] This would require an amendment to the Staff Regulations and Rules which do not currently provide for a deduction from staff emoluments for the payment of disciplinary fines to such a trust fund.

circumstances of the case, payments made by perpetrators will be used to provide specific assistance and support to the relevant victim or child fathered by a United Nations staff member or related personnel, or will be paid into a general funding mechanism for assistance and support. In the former case, the United Nations may facilitate disbursement of these funds so that the victim or child does not have to maintain any direct contact with the perpetrator.

4. Conclusion

48. As part of its overall efforts to respond to sexual exploitation and abuse, the United Nations commits to working with Member States and its partners to ensure that there is a comprehensive and coordinated response to meet the needs of complainants, victims and children fathered by United Nations staff or related personnel. All such complainants, victims and children will be treated with humanity and respect for their dignity and human rights. The United Nations will ensure that complainants, victims and children fathered by its staff or related personnel have access to timely and effective assistance and support, including medical, psychosocial and legal services. The United Nations commits to devoting sufficient resources and capacity to implement the Policy Statement and this Strategy, while redoubling its efforts to eradicate the problem of sexual exploitation and abuse.

C. Recommendations

1. It is recommended that the United Nations:

(a) Commit to providing assistance and support to complainants, victims and children fathered by United Nations staff or related personnel (as defined above);

(b) Commit to ensuring that complainants, victims and children fathered by United Nations staff or related personnel receive the assistance and support outlined in this strategy;

(c) Instruct the Resident Coordinator/Humanitarian Coordinator in each country where the United Nations has a presence to work with the United Nations country team and any peacekeeping mission to identify and engage an implementing partner to provide victim advocate services on behalf of the system and to identify the appropriate institutions to provide the services outlined in this strategy;

(d) Request its agencies and partners that are mandated or have competence to work in the area of gender-based violence to lend their expertise and guidance to institutions and organizations providing services pursuant to this strategy;

(e) Establish a common funding mechanism to ensure a reliable source of funding for the implementation of this strategy;

(f) Develop guidelines for the provision of financial support to victims, including guidelines on the scale of support and the circumstances in which it is to be provided;

(g) Review the Policy Statement and Comprehensive Strategy after 18 months of implementation.

2. The General Assembly may wish to:

(a) Endorse the Policy Statement and the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff or Related Personnel;

(b) Authorize the implementation of the proposed funding mechanisms outlined in paragraph 47 of the Comprehensive Strategy for a 12-month trial period, including the allocation of a portion of mission budgets for providing assistance and support to complainants, victims and children fathered by United Nations staff or related personnel;

(c) Promulgate changes to the Staff Regulations and authorize the Secretary-General to promulgate consequent changes to the Staff Rules allowing deduction of disciplinary fines from a staff member's emoluments for payment for assistance and support, as outlined in the Comprehensive Strategy;

(d) Agree to facilitate the pursuit of claims to establish paternity or obtain child support, in accordance with this policy.